



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -x  
:  
STAR ENERGY CORPORATION,  
:  
Plaintiff,  
:  
- against -  
:  
RSM TOP-AUDIT et al.,  
:  
Defendants.  
:  
- - - - -x

ORDER

08 Civ. 00329 (DC)

**CHIN, District Judge**

Plaintiff Star Energy Corporation ("Star Energy") filed this RICO action against defendants in January 2008. On April 30, 2008, defendant RSM International Limited ("RSM") moved to dismiss the claims against it. On May 1, 2008, counsel representing plaintiff left Nixon Peabody LLP and joined Butzel Long. Butzel Long agreed to substitute for Nixon Peabody as Star Energy's attorneys of record. Star Energy signed Butzel Long's retainer agreement but never provided the agreed upon payment. Despite Star Energy's failure to pay the firm, Butzel Long filed an opposition to RSM's motion to dismiss.

On November 26, 2008, I granted RSM's motion to dismiss and ordered Star Energy to show cause why the complaint should not be dismissed as to the other defendants for failure to serve process. At the time, Star Energy owed a "substantial sum in legal fees" to Butzel Long, but the firm complied with the Court's order. The remaining defendants, who are abroad, have since agreed to accept service of process.

On March 30, 2009, Butzel Long moved to withdraw as attorneys for Star Energy. Star Energy has never paid Butzel Long for the legal services it has rendered. Moreover, Star Energy no longer has any officers or directors, and thus the firm has no one to communicate with on behalf of Star Energy. Accordingly, on April 6, 2009, I ordered Star Energy to advise the Court by April 17, 2009 whether it intended to prosecute this action. The order was mailed directly to plaintiff's last known address, but it was returned. Additionally, my law clerk attempted to telephone Star Energy, but the number has been disconnected. Star Energy, therefore, has failed to respond. Thus, Butzel Long's motion to withdraw as Star Energy's attorneys is granted. Further, it is HEREBY ORDERED that the action is dismissed for failure to prosecute.

SO ORDERED.

Dated: New York, New York  
April 23, 2009



DENNY CHIN  
United States District Judge